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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

20 | WAYMO LLC,

Case No. 3:17-cv-00939-WHA

21 Plaintiff,

**DEFENDANTS' UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S OPPOSITION  
TO WAYMO'S MOTION TO  
EXCLUDE DEFENDANTS'  
DAMAGES EXPERT WALTER  
BRATIC**

22

23 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC

## Defendants.

Judge: The Honorable William Alsup

Trial Date: February 5, 2018

Based on the Court’s ruling on Waymo’s damages expert Michael Wagner (Dkt. 2166), Uber will not call Walter Bratic at trial. This moots Waymo’s present Motion to Exclude Mr. Bratic (Dkt. 2276).

Uber has separately objected to the inadequacies of Waymo's damages disclosures apart from Mr. Wagner's now-rejected report and expects to renew those objections at trial to the extent that they are denied pre-trial. Depending on what evidence on damages the Court ultimately allows Waymo to present at trial, Uber may seek leave from the Court to supplement Mr. Bratic's expert report and call him as a witness.

Dated: December 1, 2017

MORRISON & FOERSTER LLP  
BOIES SCHILLER FLEXNER LLP  
SUSMAN GODFREY LLP

By: /s/ William Christopher Carmody  
William Christopher Carmody

Attorneys for Defendants  
UBER TECHNOLOGIES, INC. and  
OTTOMOTTO LLC

## ATTESTATION OF E-FILED SIGNATURE

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this Opposition. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that William Christopher Carmody has concurred in this filing.

Dated: December 1, 2017

/s/ Michael A. Jacobs  
Michael A. Jacobs